

(Translation)

**THE HYDERABAD
ABKARI ACT.**

No. I of 1316 Fasli.

Sections.

Preamble.

CHAPTER I.

PRELIMINARY AND DEFINITIONS.

1. Short title, extent and commencement.
2. Definitions.

(2) Abkari Officer.

(4) Criminal court

قانون آبکاری ممالک محروسہ کا علی

نشان (۱) ۱۳۱۶

وقفہ -
تمہید -

باب (۱)

مراتب ابتدائی و تعریفات -

- ۱ مختصر نام - وسعت مقامی و تاریخ نفاذ -
- ۲ تعریفات -

(1) Abkari Revenue.

(۲) عہدہ دار آبکاری -

(2.A.) Excise Commissioner.

(3) Collector.

(۴) عدالت فوجداری -

(Translation)

(5) Sendhi.

(6) Liquor.

(7) Distilled liquor.

(8) Fermented liquor.

(10) European liquor.

(12) Intoxicating drugs (omitted).

(17) Abkari tree.

(۵) سندی -

(5-A.) Spirits.

(۶) شراب -

(۷) شراب مقطر -

(۸) شراب مخمر -

(9) Country liquor.

(9-A.) State liquor.

(۱۰) شراب دولتی -

(11) Foreign liquor.

(۱۲) اشیاء نشی (مذف) -

(13) Import.

(14) Export.

(15) Transport.

(16) Manufacture.

(۱۷) درخت آبکاری -

(18) Bottle.

(19) Rectification.

(20) Place.

(21) Materials.

(22) Prescribed.

(23) Sale or selling.

(Translation)

CHAPTER II.

POWERS OF THE GOVERNMENT.

3. Powers of the Government
- 3.A. Powers of Commissioner of Abkari.
4. Power to grant lease.

5. Power to fix duty.

(۲)
باب

اختیارات سرکار عالی۔

- ۳ سرکار عالی کے اختیارات۔
- ۳ (الف)۔ اختیارات ناظم آبکاری۔
- ۴ قہر دینے کا اختیار۔
- 4-A. Establishment of Public Distilleries and Warehouses.
- 4-B. Power of Government to exempt any articles or any area from the operation of this Act.
- ۵ محصول مقرر کرنے کا اختیار۔
- 6, Licensce may issue permits for transport.
7. Procedure for the recovery of excise dues and connected dues.

(Translation)

CHAPTER III.

IMPORT, EXPORT, TRANS-
PORT, POSSESSION, MANU-
FACTURE AND SALE.

8. Prohibition of import and export of liquor or mohwa flowers.
9. Prohibition of transport of liquor or mohwa flowers.
10. Matters prohibited without obtaining licence.
- 10-A. Prohibition of cutting down or destroying Government Abkari tree.

12. Prohibition to sell liquor, etc.
13. Mode of recovering duty.

باب (۳)

درآمد۔ برآمد۔ نقل و ارسال۔ قبضہ۔ ساق و فروخت

- ۸ شراب یا گل مہوہ کے درآمد و برآمد کی ممانعت۔
- ۹ شراب یا گل مہوہ کے نقل و ارسال کی ممانعت۔
- ۱۰ بلا حصول اجازت نامہ کن امور کی ممانعت ہے۔
- ۱ (الف)۔ سرکاری درخت آبکاری کو کاٹنے یا تلف کرنے کی ممانعت۔

- 11 Prohibition of keeping liquor, etc., in possession.

- ۱۲ شراب وغیرہ فروخت کرنے کی ممانعت۔
- ۱۳ محصول وصول کرنے کا طریقہ۔

- 13-A. Tax for tapping unlicensed trees from whom leviable.

- 13-B. Tapping of trees situated on patta lands and payment of owner's fee thereof.

(Translation)

14. Lessee not to declare any person to be his partner.

CHAPTER IV.

POWERS AND DUTIES OF OFFICERS.

15. Powers of Collector.
16. When licence be suspended or cancelled.
17. Criminal Court may give order for search.
18. Power to make search without search-warrant.
19. Power of arrest.

20. Abkari Officer may enter into place in occupation of licensee.

21. Arrest in order to ascertain name of accused.

22. Person or property to be produced before Collector.

- 22-A. Release if bond is furnished.

- 22-B. Arrested person shall have to furnish bail with security for release.

- 22-C. Procedure to recover penalty in case of non-attendance.

قانون آبکاری نشان (۱) ۱۳۱۶ء

۱۴۔ قعیدہ دار مجاز نہ ہوگا کہ کسی کو اپنا شریک داریا

حصہ دار قرار دے۔

باب (۴)

اختیارات و فرائض عہداران۔

- ۱۵۔ تعلقدار کے اختیارات۔
۱۶۔ اجازت نامہ کب معطل یا منسوخ ہو سکے گا۔
۱۷۔ عدالت فوجداری تلاشی کا حکم دے سکے گی۔
۱۸۔ بلا حکم نامہ تلاشی، تلاشی کا اختیار۔
۱۹۔ گرفتاری کا اختیار۔

19-A. Liability of certain things to seizure.

۲۰۔ عہدہ دار آبکاری شخص اجازت یافتہ کے

مقبوضہ مقام میں داخل ہو سکتا ہے۔

۲۱۔ مجرم کا نام دریافت کرنے کی غرض سے گرفتاری

۲۲۔ شخص یا مال کا تعلقدار کے دو برویش ہونا۔

۲۲ (الف)۔ جھلکے داخل ہونے پر رہائی۔

۲۲ (ب)۔ گرفتار شدہ شخص کو رہائی کے لئے جھلکے

معد ضمانت داخل کرنا ہوگا۔

۲۲ (ج)۔ عدم حاضری کی صورت میں وصول تاوان

کی کارروائی۔

23. Search, how made and bail, how admitted.

۲۳ تلاشی یا ضمانت کس طرح عمل میں آئے گی۔

24. Assistance to be rendered to Abkari Officer.

۲۴ عہدہ دار آبکاری کی امداد۔

24-A. Offences to be reported by State employees.

25. Matters to be reported by land holder.

۲۵ امور جن کی اطلاع دینا قاضی اور ارضی پر لازم ہے۔

26. Power to hold preliminary enquiry.

27. Power to issue summons.

28. Procedure as to prisoners under trial.

28-A. Report of Abkari Officer gives jurisdiction to Criminal Court.

29. Who shall be placed in charge of property seized.

۲۹ گرفتار شدہ مال کس کے سپرد کیا جائے گا۔

30. Power to close the shop for prevention of breach of peace.

(Translation)

CHAPTER V.

INQUIRIES INTO OFFENCES AND
PUNISHMENT.

32. Cheating in respect of liquor etc.
33. Responsibility of licensee and punishment therefor.

31. Punishment for contravention of Sections 8,9,10,10-A(1),11 or 12.

۳۱۔ شراب وغیرہ میں دھوکہ وغیرہ دینا۔
۳۲۔ شخص اجازت یافتہ کی ذمہ داری اور
اس کی سزا۔

34. Punishment for possession of illicit liquor.

- 34-A. Punishment for rendering or attempting to render denatured spirit fit for human consumption.

35. Punishment of officers acting in contravention of this Act.

36. Punishment for abetment of offences against the Act.

37. Penalty for Abkari Officer leaving his duty without notice.

- 37-A. Punishment for offences not otherwise provided for in the Act or Rules.

38. Presumption as to commission of offences in certain cases.

39. Order in respect of articles.

۳۹ مال کے متعلق حکم۔

40. Procedure for trials.

۴۰ نالیش کی ممانعت۔

41. Bar of action.

41-A. Power to compound offences.

۴۱ (الف)۔ مصالحت کا اختیار۔

(Translation)

CHAPTER VI.

MISCELLANEOUS.

42. Duties of licensee.

44. Effect of provision of this Act on lease containing any condition contrary to intention of this Act.

45. Appeal and revision.

باب (۶)
متفرق

۴۲ اجازت یافتہ کے فرائض -

43. Procedure for collection of Abkari arrears due to lessees.

۴۴ جس قول میں منشاء قانون ہذا کے خلاف کوئی شرط درج ہو اس پر قانون ہذا کے حکم کا اثر -

۴۵ مراجعہ و تکرانی -

قانون آبکاری نشان دوم سلسله

(Translation)

THE HYDERABAD ABKARI ACT.

No. I of 1316 Fasli.

(Received the assent of the
Madar-ul-Moham on
12th Bahman, 1316 Fasli.)

Whereas it is expedient to make a comprehensive law relating to Abkari; It is here by enacted as follows :—

CHAPTER I.

PRELIMINARY AND DEFINITIONS.

1. This *Act may be called "The Abkari Act"; and it shall come into force in His Highness the Nizam's Dominions on the first day of Khurdad, 1316 F.

*Published in the Jarida dated 28th Behman, 1316 F.

قانون آبکاری نشان (۱) ۱۳۱۶

قانون آبکاری ممالک محروسہ سرکاری

نشان (۱) ۱۳۱۶

(مدارالمہام سرکاری نے تیار شدہ ۱۲ بہمن ۱۳۱۶
منظور فرمایا۔)

تمہید۔ ہر گاہ قرین مصلحت ہے کہ آبکاری کے متعلق ایک مکمل قانون نافذ کیا جائے۔ لہذا حسب ذیل حکم ہوتا ہے :—

باب (۱)

مراتب ابتدائی و تعریفی۔

مختصر نام۔ وسعت مقامی دفعہ۔ یہ قانون و تاریخ نفاذ۔ بنام "قانون آبکاری"

موسوم ہو سکے گا اور ممالک محروسہ سرکاری میں یکم خرداد ۱۳۱۶ء سے نافذ ہوگا۔

سرکار ہندوستان نے ۲۸ بہمن ۱۳۱۶ء میں شائع ہوا۔

2. In this Act, unless there is anything repugnant in the subject or context :-

** (2) "Abkari Officer" means the Commissioner of Abkai, a *Collector of a district or any other officer or such person as may have been appointed for the purposes of this Act under section 3 or vested with any power.

**As amended by Act No. I of 1343 Fasli
*As amended by Act No. XXIII of 1953.

تعریفات - ۱ دفعہ ۲ - بجز اس کے کہ خلاف ہو -
یا سابق عبارت اس کے خلاف ہو -

*[(1) "Abkari revenue" means revenue derived or derivable from any duty, fee, tax, fine or confiscation imposed or ordered under the provisions of this Act, or of any other law for the time being in force relating to liquor.]

عہدہ دار آبکاری - (۲) - عہدہ دار آبکاری
سے ناظم آبکاری، تعلقدار ضلع یا اور کوئی عہدہ دار
یا ایسا شخص مراد ہو گا جس کا یا بغرض قانون نہایت
دفعہ ۳ تقریر ہوا ہو یا جس کو کوئی اقتدار عطا ہوا ہو -

*[(2-A) "Excise Commissioner" means the officer appointed by Government as such under sub-clause (a) of clause (1) of section 3.

* (3) "Collector" means a Collector of land revenue or any person appointed under section 3 to exercise all the powers and to perform all the duties of a Collector under this Act.]

*As substituted by Act No. XXIII of 1953.

(4) "Criminal Court" means the Court having criminal jurisdiction not lower than that of a Second Class Magistrate; but it also includes a Magistrate of the Third Class specially empowered to hear Abkari cases;

عدالت فوجداری۔ (۴) "عدالت فوجداری" سے
وہ عدالت مراد ہے جس کے اقتدارات فوجداری اور
دوم سے کم نہ ہوں لیکن اس میں ایسا ناظم فوجداری اور
سوم بھی داخل ہے جس کو خاص طور پر مقدمات آبکاری
کی سماعت کا اختیار عطا کیا گیا ہو۔

*(5) "Sendhi" means fermented juice drawn from a cocoanut, Sendhi. palmyra, date or any other kind of palm tree, and includes the unfermented juice drawn from the said trees.

*(5-A.) "Spirits" means any liquor containing alcohol and obtained by distillation, whether it is denatured or not.

*As substituted by Act No. XXIII of 1953.

Explanation :- 'Denatured' means subjected to a process prescribed by the State Government by notification in the Jarida for the purpose of rendering unfit for human consumption.]

(6) "Liquor" includes every kind of juice, natural or manufactured, which contains alcohol;

Liquor.

شراب - (۶) "شراب" میں ہر قسم کا غسرق خواہ تدرقی ہو یا مصنوعی داخل ہے جس میں الکحل موجود ہو۔

(7) "Distilled liquor" means the liquor which contains alcohol and has been manufactured by means of any apparatus;

Distilled liquor.

شراب مقطر - (۷) "شراب مقطر" سے وہ شراب مراد ہے جس میں الکحل شریک ہو اور جو کسی آلہ کے ذریعہ سے بنائی جائے۔

(8) "Fermented liquor" means the liquor manufactured in any manner other than that;

Fermented liquor.

شراب خمیر - (۸) "شراب خمیر" سے وہ شراب مراد ہے جو سوائے اس کے کسی اور طریقہ سے بنائی جائے۔

(Translation)

*[(9) "Country liquor" means any liquor manufactured in any part of India other than the Hyderabad State either by indigenous methods or after the manner of foreign liquors.

*(9-A.) "State liquor" means liquor manufactured in the Hyderabad State either by indigenous methods or after the manner of foreign liquor.]

* As substituted by Act No. XXIII of 1953 F.

Abkari [1316F : HYD. ACT I
(Translation)
(10) * [Omitted].
European
liquor.

قانون آبکاری نشان (۱۱) ۱۳۱۶
شراب دلائی - (۱۰) - حذف

*[(11) "Foreign liquor" means
all liquor other than
Country liquor or State
liquor :
Foreign
liquor.

Provided that in any case in which
doubt may arise, the Government,
may declare by notification in the
Jarida what liquor for the purposes of
this Act shall be deemed to be 'State
Liquor' or 'Country Liquor' and
what 'Foreign Liquor';]

(12) † [Omitted]
Intoxicating
drugs:

اشیاء منشی - (۱۲) - حذف

* Omitted by Act No. XXIII of 1953.
† Omitted by Act No. IV of 1333 F.

* As substituted by Act No. XXIII of 1953 F.

۱- ترمیم بموجب قانون نشان ۲۳ بابت ۱۹۵۳
۲- ترمیم بموجب ضمیمه قانون نشان (۴) ۱۳۳۳

(Translation)

*[(13) "import" means to bring
into the Hyderabad State
from any place outside it;]
Import.

*[(14) "export" means to take
out of the Hyderabad
State;]
Export.

*[(15) "transport" means to move
from one place to another
within the Hyderabad
State;]
Transport.

*[(16) "manufacture" includes
every process, whether
natural or artificial, by
which any fermented, spirituous or
intoxicating liquor is produced, pre-
pared or blended and also redistillation
and every process for the rectification
of liquor;]
Manufacture.

*As substituted by Act No. XXIII of 1953.

*[(17) "abkari tree" includes the tree of gulmohwa, Abkari tree. cocoanut, palmyra, date or any tree of the species of palmyra, the fermented or unfermented juice of which contains alcohol and from which toddy or liquor can be prepared.]

درخت آبکاری۔ [(۱۷) "درخت آبکاری" میں درخت گل مہوہ۔ ناریل۔ تار۔ سیندھی یا درخت تار کا کوئی ہم جنس درخت بھی داخل ہوگا جس کے مخمر یا غیر مخمر عرق میں الکحل ہو اور جس سے تازی یا شراب تیار کی جاسکتی ہو۔]

*[(18) "bottle" means to transfer liquor from a cask or other Bottle. vessel to a bottle, jar, flask or similar receptacle for the purpose of sale whether any process of manufacture be employed or not includes rebottling ;]

*[(19) "rectification" includes every process whereby Rectification. spirits are purified or are coloured or flavoured by mixing any materials therewith ;]

(Translation)

*[(20) “ place ”, includes also a
Place. house, building, shop, tent
and vessel ;]

*[(21) “ materials ” include Mohwa
Materials. flowers, Molasses, Jaggery
and such other materials
as the Government may notify in the
Jarida from time to time;]

*[(22) “ prescribed ” means pres-
Prescribed. cribed by rules made under
this Act;]

*[(23) “ sale or selling ” includes
Sale or any transfer otherwise
Selling. than by way of gift ;]

*As Substituted by Act No. XXIII of 1953.

CHAPTER II.

POWERS OF *[GOVERNMENT.]

3. For the purposes of this Act and the administration of Abkari, the *[Government] may —

(1) (a) appoint an officer to be called the Commissioner of Abkari who shall, under the control and subject to the orders, of the Government, be deemed to be the Chief Officer for all matters pertaining to the Abkari revenue and may exercise all powers under this Act or such other powers as are conferred on the Commissioner of Abkari by virtue of any other law and he shall, in like manner, discharge all the duties entrusted to him and in so far as it is not contrary to the intention and purposes of this Act shall have such powers of inspection and control of the work of, issuing instructions to, and hearing appeal against the orders of his subordinate officers, as may from time to time be conferred by the Government. So many Assistants shall be appointed under the Commissioner of Abkari as may be

*As amended by Act No. I of 1343 Fasli.

باب (۲)

اختیارات سرکار عالی
سرکار عالی کے اختیارات۔ دفعہ ۳۔ [سرکار عالی]
کو اختیار ہوگا کہ باغراض قانون پیداو انتظام
آبکاری۔

(۱) (الف)۔ ایک عہدہ دار کا تقرر
کرے جس کا لقب ناظم آبکاری ہوگا اور جو
زیر نگرانی و متابعت احکام سرکار عالی جملہ امور
متعلقہ محاصل آبکاری کے لئے اعلیٰ حاکم متصور ہوگا
اور وہ جملہ اقتدارات تحت قانون پیدا یا ایسے دوسرے
اختیارات جو کسی اور قانون کی رو سے ناظم آبکاری
کو عطا کئے گئے ہوں استعمال کر سکے گا اور اسی طرح
جملہ فرائض مفوضہ بھی انجام دے گا اور جس حد تک
کہ فساد و اغراض قانون کے خلاف نہ ہو اس کو اپنے
ماتحت عہدہ داروں کے کام کی تفتیح و نگرانی اور ان کو

sanctioned, from time to time, by the Government and the appointment of every such Assistant shall also be made with the sanction of the Government and he shall be entrusted with all such duties as Commissioner of Abkari may assign to him from time to time;

(b) appoint, besides the District *Collector, any other person also for the purpose of exercising wholly or partly, in any district or part of a district, all those powers and in like manner discharge wholly or partly the assigned duties which have been under this Act prescribed for the *Collector ;]

Provided that the discharge of duties and exercise of powers as aforesaid shall, besides being in accordance with the instructions of the Commissioner of

*As substituted by Act No. XXIII of 1953.

قانون آبکاری نشان درہا

ہدایت دینے اور ان کے احکام کی نفاذی سے
مراغہ کی سماعت کے ایسے اختیارات حاصل ہیں گے
جو سرکار عالی وقتاً فوقتاً عطا کرے: ناظم آبکاری
کے تحت اس تعداد میں مددگار ان مامور ہو گے
جس کی منظوری سرکار عالی سے وقتاً فوقتاً دی جائے
اور ہر ایسے مددگار کا تقرر بھی منظوری سرکار عالی
عمل میں آئے گا اور اس کے تفویض وہ تمام فرائض
ہوں گے جو وقتاً فوقتاً ناظم آبکاری اس سے متعلق کرے
(ب)۔ علاوہ (COLLECTOR) ضلع کے
کسی اور شخص کو بھی اس غرض سے مامور کرے کہ وہ
کسی ضلع یا حصہ ضلع میں وہ تمام اختیارات کلا یا جزاً
استعمال کرے اور اسی طرح فرائض مفوضہ بھی کلا یا
جزاً انجام دے جو تحت قانون آبکاری (COLLECTOR)*
کے لئے مقرر کئے گئے ہوں۔

مگر شرط یہ ہے کہ حسب صراحت بالا
فرائض کی ادائی اور اختیارات کا استعمال ناظم
آبکاری کی ہدایت کے علاوہ سرکار عالی کے ان

*As substituted by Act No. XXIII of 1953.

Abkari, be subject to the orders of the Government also which may be issued from time to time by the Government ;

(c) appoint, in their discretion, for the assistance of the*[Collectors,] officers subordinate to them and prescribe their designation, powers and duties ;

(d) delegate to any Government servant in any department or to any other person in his personal or ex-officio capacity the powers and duties under this Act which he shall discharge in addition to the powers and duties of his substantive post.

Provided that the powers provided for in section 18 shall not be delegated to a servant in any department whose rank is not superior to a peon or a constable and that the powers and duties so dele-

احکام کے بھی تابع رہے گا جو سرکار عالی سے وقتاً فوقتاً صادر کئے جائیں۔

(ج)۔ (COLLECTORS) کی امداد کیلئے

ان کے ماتحت حسب صوابدید عہدیداروں کو مامور اور ان کے لقب و اختیارات و فرائض کا تعین کرے۔

(د)۔ کسی محکمہ کے کسی ملازم سرکاری یا کسی دوسرے شخص کو تحت قانون ہذا بحیثیت شخصی یا ایجنٹ عہدہ اختیارات اور فرائض تفویض کرے جو وہ اپنے اصلی عہدہ کے فرائض و اختیارات کے علاوہ انجام دے گا۔

مگر شرط یہ ہے کہ اختیارات محکومہ دفعہ ۱۸ کسی سرشتہ کے کسی ایسے ملازم کے تفویض نہ ہو سکیں گے جس کا درجہ چیراسی یا جوان سے بالاتر نہ ہو نیز جو اختیارات و فرائض اس طرح تفویض یا عطا کئے

*As substituted by Act No. XXIII of 1953.

*As substituted by Act No. XXIII of 1953.

(Translation)

gated or conferred may be revoked or modified at any time.

جائیں ہر وقت منوع یا اُن میں ترمیم کی جائے گی۔

(Translation)

*[(e) regulate, subject to such conditions as may be specified, the delegation by the Board of Revenue or by collectors of any powers, conferred by this Act or exercised in respect of Abkari revenue under any Act for the time being in force.]

* As substituted by Act No. XXIII of 1953.

(2) make by notification rules in respect of the following matters :—

(a) determining the substances from which liquor will be drawn and prohibiting the use of noxious substances in the manufacture of liquor ;

(b) the mode in which sendhi will be supplied to licensed shopkeepers or to persons who have obtained licence to manufacture liquor from sendhi;

(c) determining the number, description *[and form of licences for any particular place or area and determining the officers who shall have the power of imposing or cancelling such licences and the conditions subject to which the licences shall be granted;]

(d) regulating the description and quantity and number of apparatus to be kept in a distillery ;

*As amended by Act No. 1 of 1343 F.

(۲) امور ذیل کے متعلق بذریعہ اشتہار قواعد

تأخذ کریں :-

(الف) - تعین اُن اشیاء کا جن سے شراب نکالی جائے گی اور شراب بنانے میں مضر صحت اشیاء کے استعمال کی ممانعت ۔

(ب) - کس طریقہ سے اجازت یافتہ دکانداروں کو یا اُن اشخاص کو جنہوں نے سینڈھی سے شراب بنانے کی اجازت حاصل کی ہو سینڈھی کی سربراہی کی جائے گی ۔

(ج) کسی خاص مقام یا رقبہ زمین کے لئے اجازت ناموں کی تعداد اور اُن کے اقسام کا تعین اور اُن کا نمونہ اور اُن عہدہ داروں کا تعین جن کو ایسے اجازت نامے جاری یا منسوخ کرنے کا اختیار حاصل رہے گا اور شرائط جن کے تحت اجازت نامے عطا کئے جائیں گے [

(د) - تعین اُن آلات کے اقسام اور مقدار اور تعداد کا جو کھٹی میں رکھے جائیں گے ۔

(e) prescribing the instruments to be used in the testing of liquor and the mode of examining the strength of liquor;

(f) prescribing the measures to be used for the sale of liquor;

(ھ) - تعین ان آلات کا جو شراب کی آزما
کے لئے استعمال کئے جائیں گے اور طاقت شراب
کی تنقیح کا طریقہ۔

(و) - تعین ان پیمائوں کا جو فروخت
شراب کے لئے استعمال کئے جائیں گے۔

*[(g) providing for the storage, import, export, transport or possession of liquor and Mohwa flowers or the manufacture of liquor;

*(h) providing for the management and supervision of stills, breweries, liquor shops godowns, distilleries and warehouses;

* (i) prescribing the mode of conducting searches and the form of the bail-bond and surety bond;]

(j) determining the amount of security for contravention of this Act, and the officer competent to take the security;

(ج) - غلات و زرعی قانون ہذا کے لئے

منہانت کی مقدار اور عہدہ دار مجاز اخذ ضمانت

کا تعین -

(k) the confiscation and sale of articles;

(ک) - اشیاء کی ضبطی اور فروخت -

*[(l) prescribing the powers and duties of Excise Officers ;

* (m) (1) declaring the process by which spirit manufactured in or imported into Hyderabad State shall be denatured ;

(2) for causing such spirits to be denatured through the agency or under the supervision of the Excise Officers;

(3) for ascertaining whether such spirit has been denatured properly;

* (n) regulating the bottling of liquor for sale;

*As substituted by Act No. XXIII of 1953.

* (o) declaring in what cases or class of cases and to what authorities appeals shall lie from orders whether original or appellate, passed under this Act or under any rule made thereunder, or by what authorities such orders may be reviewed or revised, and prescribing the time and manner of presenting appeals, review and revision petitions and the procedure for dealing therewith;

* (p) regulating the collection and disbursement of owner's fee in respect of Abkari trees;

* (q) for rewarding informers and other persons including Abkari Officers in connection with the detection of offences under this Act; and

* (r) for any other matter which may be prescribed under this Act;

♦As substituted by Act No. XXIII of 1953.

(s) relating to any other matter for the purposes of this Act.

†[3. (A) Subject to orders of the Government made from time to time in this behalf, the Commissioner of Abkari shall also have the same powers to confer powers on, or entrust duties to any Government servant in any department or any other person under this Act which the Government have under section 3 clause (1) (d). And the Commissioner of Abkari may with the sanction of the Government delegate wholly or partially the powers vested in him under this section to any *[Collector] or more than one *[Collector] and may after delegation, revoke them at any time:

Provided that in case of emergency the Commissioner of Abkari may delegate powers in anticipation of the Government sanction.]

†As amended by Act No. I of 1343 Fasli.

*As amended by Act No. XXIII of 1953.

(S) قانون ہذا کے اغراض کے لئے اور

کسی امر کی نسبت ۔

اختیارات ناظم آبکاری۔ [دفعہ ۳۔ (الف)۔

بمطابقت احکام سرکار عالی جو اس بارہ میں وقتاً فوقتاً صادر کئے جائیں ناظم آبکاری کو بھی کسی حکم کے کسی ملازم سرکاری یا کسی دوسرے شخص کو تحت قانون ہذا اختیارات عطا کرنے یا تفویض کرنے کے متعلق وہ اختیارات حاصل ہوں گے جو برائے دفعہ ۳ فقرہ (۱)، (۲)، سرکار عالی کو حاصل ہیں اور ناظم آبکاری کو اختیار ہو گا کہ دفعہ ہذا کے تحت جو اختیارات اُس کو حاصل ہیں اُن کو بہ منظوری سرکار عالی کلاً یا جزاً کسی (COLLECTOR) یا ایک سے زائد (COLLECTOR) کے تفویض کرے اور بعد تفویض کسی وقت بھی اُن کو واپس لے۔

مگر شرط یہ ہے کہ شدید ضرورت کی صورت

میں ناظم آبکاری بہ اُمید منظوری سرکار عالی اختیارات تفویض کر سکے گا۔ [

*As amended by Act No. XXIII of 1953.

4. Subject to such conditions as may deem fit, the*[Government] may grant, for a fixed period to any person at any place,

Power to grant lease.

(1) a lease jointly or severally for the supply, manufacture or sale of any inebriating or intoxicating drug or mohwa flower.

Explanation:- A lease shall not take effect until the**[Collector] or any other competent officer has issued a licence *[in the prescribed form.]

(2) The *[Government] may confer on any officer the power mentioned in sub-section (1).

*As amended by Act No. I of 1343 F.

**As substituted by act No. XXIII of 1953.

تعمد دینے کا اختیار۔ دو قسم کا۔ [سرکار عالی] کو اختیار ہوگا کہ ایسے شرائط پر جو مناسب معلوم ہوں مدت معین کے لئے کسی شخص کو کسی مقام میں۔

(۱) کسی مسکر یا منشی شے یا گل مہوہ کی فراہمی تیار یا فروخت کا بالاشتراك یا بالافتراد تعمید۔

توضیح۔- تعمید کا نفاذ اس وقت تک نہ ہوگا جب تک کہ (COLLECTOR) یا کوئی اور عہدہ دار مجاز [مقررہ نمونہ کے بموجب] اجازت نامہ نہ دے۔

(۲) اختیار متذکرہ جنس (۱) [سرکار عالی] کسی عہدہ دار کو عطا کر سکیں گے۔

*[4-A. The Excise Commissioner
Establish- may with the previous
ment of dis- sanction of the Govern-
tilleries and ment,
warehouses.

(a) establish a public distillery in
which any kind of liquor may be
manufactured under a licence granted
under section 15 on such conditions
as the Government deems fit to impose;

*As substituted by Act No. XXIII of 1953.

(b) discontinue any public distillery so established ;

(c) license at or in connection with any licensed distillery or elsewhere a private warehouse wherein liquor may be deposited and kept without payment of duty ;

(Translation)

*(d) establish a public warehouse wherein liquor may be deposited and kept without payment of duty; and

*(e) discontinue any public warehouse so established.

Explanation:- Public warehouse shall be for the general accommodation of persons desiring to warehouse liquor subject to duty pending removal for local consumption or for export.

* As substituted by Act No. XXIII of 1953.

*4-B. The Government may, by

notification in the Jarida

and subject to such condi-

Power of
Government
to exempt
any articles
or any area
from the
operation of
this Act.

tions as it may think fit to

prescribe, exempt any liquor

or gulmohwa either wholly

or partially from all or any

provisions of this Act either

generally or in any speci-

fied area or for any specified period

or occasion or as regards any specified

person or class of persons.]

* As substituted by Act No. XXIII of 1953.

5. The *[Government] may fix duty
Power to in the following cases :-
fix duty.

- (1) import and export under section 8;
- (2) transport under section 9;
- (3) matters mentioned in section 10;
- (4) sale under section 12.

محصول قرار کرنے کا اختیار۔ دفعہ ۵ [حکومت] کے لئے محصول
کو اختیار ہو گا کہ صورت ہائے ذیل کے لئے محصول
مقرر کریں :-

- (۱) درآمد و برآمد حسب دفعہ ۸۔
- (۲) نقل و ارسال حسب دفعہ ۹۔
- (۳) امور مندرجہ ذیل کے لئے محصول ۱۰۔
- (۴) فروخت حسب دفعہ ۱۲۔

*[6. Where a contract for selling sendhi

at a particular place and

for a specified time is granted under section 4 to any

Licensee may
issue permits
for transport.

person, Government, may,

by notification in the Jarida,

declare that such a grantee shall be competent to issue licence for transport of sendhi in such quantity and subject to such conditions and restrictions as may be prescribed by the Government in this behalf, and a licence so issued shall have the same effect as that granted by the Collector or any lawful authority under section 15.

*As substituted by Act No. XXIII of 1953.

*7. (1) All duties, taxes, fines, fees
and other moneys payable

Procedure
for the reco-
very of Ex-
cise dues and
connected
dues.

to Government under any
of the provisions of this Act

or of any licence or permit

issued under it, and all amounts due to
Government by any grantee of a
privilege or by any licensee under this
Act or by any person on account of any
contract relating to the excise revenue
may be recovered from the lessee or his
surety or every such person who may
have occupied the business relating to
such lease to the extent of the amount
due from him to the lessee in respect of
the period of occupation of such person,
as if they were arrears of land revenue.

*As substituted by Act No. XXIII of 1953.

(2) In case of default of payment of Abkari revenue by the lessee, the Government may also proceed to make its own arrangements or resell by cancelling the existing lease of such defaulter and recover the loss in revenue in the manner prescribed in sub-section (1).]

(Translation)

CHAPTER III.

IMPORT, EXPORT, TRANSPORT,
POSSESSION, MANUFACTURE
AND SALE.

Prohibition
of import
and export of
liquor or
mohwa flo-
wers.

باب

درآمد، برآمد، نقل و ارسال، قبضہ، ساخت و فروخت

منشأ آب کاری نہوہ کے درآمد
برآمد کی ممانعت

*[8. No person shall import or ex-
port any liquor, sendhi or mohwa
flowers without the permission of
Government or of any competent officer
or without payment of duty leviable
thereon.]

*As substituted by Act No. XXIII of 1953.

(Translation)

Prohibition
of trans-
port of
liquor or
mohwa
flowers.

10. No person shall without obtain-
ing a licence mentioned
in section 15.

Matters
prohibited
without
obtaining
licence.

(I) *[manufacture liquor ;] or

(II) collect substances from
which liquor is manu-
factured ; or

(III) keep a brewery of distilled
liquor or a distillery of
fermented liquor ; or

(IV) establish a warehouse of
the intoxicating drugs or
mohwa flowers ; or

(V) tap †[Abkari tree] or draw
sendhi therefrom ; or

*As amended by Act No. IV of 1333 F.

†As substituted by Act No. XIV of 1955.

شراب یا گل مہوہ کے نقل و
ارسال کی ممانعت ۔

†[9. No person shall transport any
liquor sendhi mohwa flowers in excess
of the quantity fixed by Government
or by any competent authority without
obtaining a licence therefor under
section 15.]

بلا حصول اجازت نامہ
کوئی شخص مجاز
نہ ہو گا کہ بلا حصول اجازت نامہ
کن انور کی ممانعت ہے
متذکرہ دفعہ ۱۵۔

(۱) [شراب تیار کرے] یا

(۲) ایسے اشیاء جن سے شراب بنائی جاتی ہو

جمع کرے ۔ یا

(۳) شراب مقطر کی بھٹی یا شراب مخمر کا کارخانہ

رکھے ۔ یا

(۴) اشیاء منشی یا گل مہوہ کا کوٹھہ قائم کرے یا

(۵) [ABKARI TREE] * کو تراشے یا

نہ ترمیم مجوز فیملیہ قانون نشان (۴) ۱۳۳۲

†As substituted by Act No. XXIII of 1953.

* As substituted by Act No. XIV of 1955.

اُس سے سیندھی نکالے۔ یا

(۶) کوئی اشیاء - برتن - بھٹی یا آلات اسباب
خواہ وہ کسی قسم کے ہوں اس غرض سے اپنے پاس یا
اپنے قبضہ و استعمال میں رکھے کہ اس سے شراب مقطریا
اشیاء منشی تیار کرے یا کرائے۔

*Amended by Act No. I of 1343 Fasli.

الح - ترمیم بموجب قانون نشان (۱) ۱۳۴۳

*Substituted by Act No. XXIII of 1953.

*[10-A. (1) No person shall, without the permission of a Collector or such officer as may have been empowered by the Government in this behalf, cut down or destroy any Government Abkari tree. Such permission may be given subject to the conditions and on payment of a fee prescribed from time to time by the Government.]

Prohibition
of cutting
down or des-
troying Govt.
Abkari tree.

دفعہ ۱۰-ا (۱) کوئی شخص مجاز نہ ہو گا کہ تعلقہ سرکاری درخت آبکاری کو کاٹنے یا تلف کرنے کی ممانعت یا کسی ایسے عہدہ دار کی اجازت کے بغیر جس کو سرکاری نے اس بارہ میں اختیار عطا کیا ہو کسی سرکاری درخت آبکاری کو کاٹے یا تلف کرے۔ اجازت مذکور ان شرائط کے ساتھ اور اس قدر فیس کی ادائی کے بعد دی جاسکے گی جو سرکار عالی وقتاً فوقتاً معین کرے۔

*[(2) In regard to cutting down or destroying Abkari trees other than those owned by Government the provision contained in section 46-A of the Land Revenue Act (No. VIII of 1317 F.) shall apply.]

۱۰-ب۔ ترمیم بموجب قانون نشان (۱) ۱۳۱۶

* Amended by Act No. I of 1343 Fasli.

*Substituted by Act No. XXIII of 1953.

(Translation)

*[11. Subject to such exceptions as

may, from time to time,

Prohibition
of keeping
liquor, etc.,
in posses-
sion.

be notified by Government

in the Jarida either for the

whole State or any part thereof, no

person shall be entitled to keep in his

possession any quantity of liquor or

sendhi without obtaining a licence men-

tioned in section 15.]

* Substituted by Act No. XXIII of 1953.

12. No person shall be entitled to sell any kind of liquor, sendhi or mohwa flowers without obtaining a licence mentioned in section 15.

Prohibition to sell liquor, etc.

شراب وغیرہ فروخت کرنے کی ممانعت - دفعہ ۱۲۔ کوئی شخص مجاز نہ ہوگا کہ بلا حصول اجازت نامہ متذکرہ دفعہ ۱۵ قسم کی شراب یا سیندھی یا منشی شے یا گلبوہ فروخت کرے۔

13. Duty shall be assessed and recovered in the following manner :—

Mode of recovering duty.

(a) on liquor, according to its quantity or strength, before it goes out from the brewery, distillery or warehouse;

محصول وصول کرنے کا طریقہ - دفعہ ۱۳۔ محصول بطریق ذیل شخص وصول کیا جائے گا :-

(الف) شراب پر بلحاظ اس کی مقدار یا طاقت کے بھٹی یا کارخانہ یا کوٹھ کے باہر جانے سے پہلے۔

(Translation)

*[(b) on sendhi by a tax^۵ on each tree from which sendhi is drawn to be paid in a lumpsum or in such instalments and for such period as may be prescribed, or according to its quantity before it is imported, exported or transported;]

(c) on mohwa flower, according to its quantity, before the importation and exportation or transportation ;

(ج)۔ گل مہوہ پر اس کی مقدار کے لحاظ سے درآمد و برآمد یا نقل و ارسال سے پہلے۔

(d) on intoxicating drugs, according to their kinds or quantity, before importation and exportation or transportation ;

(د)۔ اشیاء منشیہ پر ان کی اقسام یا مقدار کے لحاظ سے درآمد و برآمد یا نقل و ارسال سے پہلے۔

(e) in respect of licence for manufacture, sale, or on any other permit mentioned in this Act, in accordance with the rules made under section 3, before the grant of the licence or by instalments ;

(ه)۔ اجازت نامہ ساخت، فروخت یا کسی اور اجازت نامہ متذکرہ قانون ہذا کی بابت بموجب ان قواعد کے جو حسب دفعہ ۳ مرتب کئے جائیں عطا سے اجازت نامہ سے پہلے یا اقساط۔

*Substituted by Act No. XXIII of 1953

Abkari [1316 F : HYD. ACT I

(Translation)

(f) in respect of Abkari lease, according to the agreement arrived at between the lessee and the *[Government;]

(g) in any other manner prescribed in accordance with the rules made under section 3.

قانون آبکاری نشان (۱) سلسلہ

(۵)۔ تعہد آبکاری کی بابت بموجب اس

قرارداد کے جو مابین تعہد دار اور [سرکار عالی]

کے عمل میں آئے۔

(۶) کسی اور طریقہ کے مطابق بموجب

قواعد مرتبہ دفعہ ۳ مقرر کیا جائے۔

* Amended by Act No. I of 1343 Fasli.

۵۔ ترمیم بموجب قانون نشان (۱) سلسلہ

*[13-A. When sendhi yielding Abkari

trees are tapped without

Tax for tap-
ping unlicen-
sed trees
from whom
leviable.

licence, the tax due shall be

reco verable where practi-

cable from the tapper or if

it cannot be so recovered,

from the occupier, if any,

of the land or if the trees

do not belong to the occupier of the

land or if the land is not occupied,

from the person, if any, who owns or

is in possession of the trees unless he

proves that the trees were tapped with-

out his knowledge.

*Substituted by Act No. XXIII of 1953.

*13-B. (1) The owner or any

Tapping of
trees situated
on patta
lands and
payment of
owner's fee
thereof.

person entitled to the pro-
prietary rights over trees
yielding sendhi shall not

interfere in the tapping of
such trees unless he shall have expressed
in writing to the Collector or any other
officer empowered in this behalf within
the period prescribed and notified by
the Excise Commissioner to the effect
that he is unwilling to have such
trees tapped.

*Substituted by Act No. XXIII of 1953 F.

(Translation)

* (2) The owner's fee in respect of trees tapped shall be deposited in the Government Treasury and paid to the owner or any other person entitled to it in the manner as may be prescribed and notified by Government.]

* [14. No lessee shall, except with the permission of Government, declare any person to be his partner; and such partner shall not be competent to act as such until he has obtained a licence to that effect from the Collector or any other competent officer.]

* Substituted by Act No. XXIII of 1953.

(Translation)

CHAPTER IV.

POWERS AND DUTIES
OF OFFICERS.

15. (1) The * [Collector] or the other
Powers of officer so empowered by
*[Collector] the Government may
grant a licence mentioned
in this Act—

(i) on payment of such duty or
fee,

(ii) for such period,

(iii) subject to such conditions
and containing such particulars, as the
†[Government] may prescribe.

*Substituted by Act No. XXIII of 1953.

† Amended by Act No. I of 1343 F.

باب ۴

اختیارات فرانس عہدہ داران۔

[COLLECTOR] کے اختیارات اور فیس (۱)

اجازت نامہ متذکرہ قانون ہذا۔

(۱) اس محصول یا فیس کی ادائیگی کے بعد۔

(۲) اس مدت کے لئے۔

(۳) ان شرائط کے ساتھ اور یہ اندراج

ان امور کے جو [سرکار عالی] مقرر کریں۔

[COLLECTOR] یا وہ عہدہ دار جس کو

[سرکار عالی] نے ایسا اختیار عطا کیا ہو اسے سیکھا

*Substituted by Act No. XXIII of 1953.

* [(2) The person to whom a licence under sub-section (1) has been granted shall be required to execute a counter-part agreement in conformity with the tenor of his licence and to give such security for the performance of the agreement as the issuing authority may require.]

* [(3) If Government are satisfied that it is necessary or expedient that restrictions should be imposed on the amount of any article, supplied for sale, to a person licensed under this Act to sell such article, Government may by notification in the Jarida impose such restrictions, and notwithstanding anything contained in the agreement under which such person holds his licence, such person shall not be entitled to compensation by reason of the imposition of the restrictions.]

(Translation)

16. A licence may be suspended or cancelled by order of a
When licence be suspended or cancelled. † [Collector] or *[any other competent officer] in the following cases:—

اجازت نامہ کب مغل یا دفعہ ۱۶۔ اجازت نامہ منسوخ ہو سکے گا۔
[COLLECTOR] یا کسی

دوسرے عہدہ دار مجاز کے حکم سے مندرجہ ذیل صورتوں میں معطل یا منسوخ ہو سکے گا۔

†Substituted by Act No. XXIII of 1953.

*Amended by Act No I of 1343F.

Abkari [1316 F: HYD. ACT 1

(Translation)

(1) If any prescribed fee or duty duly payable by the licensee is not paid;

(2) If the person who got the licence or his servant or any person acting with his permission, express or implied, contravenes the conditions of the licence;

قانون آبکاری - نشان (۱) ملازمت

(۱) اگر کوئی فیس یا محصول مقررہ جس کا دیا جانا

اجازت یافتہ پر واجب ہو ادا نہ کیا جائے۔

(۲) اگر وہ شخص جس کو اجازت نامہ ملا ہو یا اس

کا ملازم یا کوئی ایسا شخص جو اس کی صریح یا منہوی

اجازت سے کام کرتا ہو شرائط اجازت نامہ کی خلاف

درزی کرے۔

† [(3) If the licensee is convicted of any offence against this Act or of any of the offences under the Indian Penal Code, relating to property, coinage and stamps, or of any other cognizable and non-bailable offence;]

† Substituted by Act No. XXIII of 1953.

(Translation)

(4) If a lessee of the Abkari applies for the suspension or cancellation of the licence secured by him for any person.

(۴) اگر کوئی قہودار آبکاری اس اجازت نامہ کی نسبت جو اس نے کسی شخص کو دیا یا ہو تعطیل یا منسوخ کی درخواست کرے۔

(5) If the suspension or cancellation of a licence is discretionary according to the conditions thereof.

(۵) اگر حسب شرائط اجازت نامہ اس کا تعطیل یا منسوخ اختیاری ہو۔

17. When a Criminal Court, upon information from an Abkari or Police employee, or from any other person, has, after making necessary inquiries, reason to believe that any offence mentioned in section 31, 32 or 34 has been committed, it may, after recording the sworn statement of the informant, issue an order for the search of any article relating to the said offence.

عدالت فوجداری تلاشی کا حکم دے سکے گی۔
واقعہ اگر کسی ملازم آبکاری یا کو تو مالی

یا کسی اور شخص کی اطلاع پر اور بعد تحقیقات ضروری کسی عدالت فوجداری کو یہ باور کرنے کی وجہ ہو کہ کسی جرم متذکرہ دفعہ ۳۱ یا ۳۲ یا ۳۴ کا ارتکاب ہوا ہے تو وہ مخبر کا حلفی بیان قلم بند کر کے کسی شے متعلقہ جرم مذکور کی تلاشی کا حکم دے سکے گی۔

18. *If the Commissioner of Abkari or the †[Collector] or any Abkari Officer not below the rank of a Sub-Inspector, or a Police officer, not below the rank of a Police Station-house officer] has reason to believe that it is likely that there would be undue delay and the case would be spoiled in obtaining a search-warrant under the preceding section may after recording the grounds of his belief at any suitable time by day or night, search any place or person, and may seize the article which he believes to be liable to confiscation under this Act, and release the person strongly suspected of having committed the said offence on producing a bond with or without sureties for appearance before a Court or competent officer.

19. If an Abkari, Police, Revenue or Customs officer or a licensee finds any person committing, in any public thoroughfare or open place, any offence mentioned in section

*Amended by Act No. I of 1343 Fasli.

† Substituted by Act No. XXIII of 1953.

قانون آبکاری نشان (۱) ۱۳۱۶
بلا حکومت تلامشی تلامشی کا اختیار دفعہ ۱۸ اگر ناظم

آبکاری یا [COLLECTOR] کو یا کسی ایسے عہدہ دار
آبکاری کو جس کا درجہ سب انسپکٹر سے یا عہدہ دار
کو توالی کو جس کا درجہ منظم ٹھانہ سے کم نہ ہو یا اور
کرنے کی وجہ ہو کہ حسب دفعہ بالا حکم نامہ تلامشی
حاصل کرنے میں نامناسب تاخیر اور مقدمہ کی خرابی کا
اندیشہ ہے تو وہ اپنی رائے کے دعوہ قلم بند کر سکے
دن یا رات میں جس وقت مناسب ہو کسی مقام کی یا کسی
شخص کے جسم کی تلامشی لے سکے گا اور جس شے کو از روئے
قانون ہذا قابل ضبطی باور کرے اس کو اپنے قبضہ میں
لے سکے گا اور اس شخص کو جس کی نسبت ارتکاب جرم
مذکور کا گمان غالب ہو عدالت یا عہدہ دار مجاز کے
رو برو حاضر ہونے کے لئے چلکے مع یا بلا ضمانت داخل
کرنے پر ہاکر دے گا۔

گزشتہ کا اختیار دفعہ ۱۹ اگر کوئی عہدہ
آبکاری کو توالی مالگداری یا کوڈر گیری یا کوئی

* Substituted by Act No. XXIII of 1953.

ترمیم بموجب قانون نشان (۱) ۱۳۴۳

31, 32 and 34 he may, without obtaining a warrant of arrest, arrest him, with the †[liquor,] or mohwa flowers in his possession at the time.

He may for the purposes of this section search any person, distillery, vessel, apparatus or means of transport which he may strongly suspect to contain the said articles.

Any person arrested under this section shall be released on his filing a bond, with or without security for appearance before a Court or competent officer.

شخص اجازت یافتہ کسی عام گورگاہ یا کھلے مقام پر کسی شخص کو کسی جرم متذکرہ دفعات ۳۱، ۳۲ و ۳۴ کا مرتکب پائے تو وہ اس کو بلا حصول حکمانہ گرفتاری مع اس شراب یا گلہ ہوہ کے جو اس وقت اس کے قبضہ میں ہو گرفتار کر سکے گا۔

دفعہ ہذا کی اغراض کے لئے وہ مجاز ہوگا کہ کسی شخص کے جسم کی یا کسی بھی یا ظروف یا آئینہ یا کسی ذریعہ بار برداری کی جس کی نسبت گمان غالب ہو کہ اس میں اشیاء مذکور رکھی گئی ہیں تلاشی لے۔

ہر شخص جو حسب دفعہ ہذا گرفتار کیا جائے عدالت یا عہدہ دار مجاز کے رو برو حاضر ہونے کا محکمہ مع یا بلا ضمانت داخل کرنے پر رہا کر دیا جائیگا۔

*[19-A. (1) Whenever an offence

Liability of
certain things
to seizure. has been committed which

is punishable under this

Act, the excisable articles, material,
still, utensil, implements or apparatus in
respect of or by means of which such
offence has been committed shall be
liable to seizure.

(2) Any excisable article lawfully
imported, transported, manufactured,
held in possession of or sold
along with or in addition to any excis-
able article liable to seizure under sub-
section (1) and the receptacle, packages
and covering in which any such
excisable articles, material, still, utensil,
implements or apparatus as aforesaid is

*Added by Act No. XXIII of 1953.

or are found, and the other contents, if any, of the receptacle or packages in which the same is or are found, and the animals, carts, vessels, rafts, lorries or any other conveyances used in carrying the same, shall likewise be liable to seizure :

Provided that if the article seized is sendhi or wash which is liable to speedy and natural decay any Abkari officer not below the rank of a Sub-Inspector may dispose of the articles in the manner prescribed by rules made under clause (k) of sub-section (2) of section 3.]

20. Any Abkari officer, not below the rank of a *[Sub-Inspector] may, for purpose of inspection, enter any place occupied by a licensee :—

Abkari officer may enter into place in occupation of licensee.

(a) here † [liquor] is manufactured or sendhi is drawn or liquor or † [mohwa

*Amended by Act No. I of 1343 F.
†Amended by Schedule to Act No. IV of 1333 F.

عہدہ دار آبکاری شخص اجازت یافتہ دفعہ ۲۰ کوئی
کے مقبوضہ مقام میں داخل ہو سکتا ہے۔ عہدہ دار آبکاری

جو [سب انسپکٹر] کے درجہ سے کم نہ ہو مجاز ہو گا کہ
بغرض تنقیح کسی شخص اجازت یافتہ کے کسی مقبوضہ مقام میں۔

(الف)۔ جہاں [شراب] تیار کی جاتی ہوں
یا سینڈھی نکالی جاتی ہو یا شراب [گل مہو] جمع کئے

۱۔ ترمیم بموجب قانون نشان (۱)، ۱۳۴۳ء
۲۔ ترمیم بموجب ضمیمہ قانون نشان (۲)، ۱۳۴۳ء

(Translation)

flowers] are stored at any time by day or night;

(b) where the aforesaid articles are kept for sale at any time when it is ordinarily kept open,

21. Where there is sufficient reason to believe that any person is guilty of any offence mentioned in this Act, and when he, on being questioned by an Abkari or Police officer, refuses to give his name and residence, or gives a false name and residence, he may be arrested in order that his true name and residence may be ascertained. If the name and residence of the person cannot be ascertained in twenty-four hours, he shall be produced in a Court of law.

22. The person arrested or goods seized under this Act shall, in case a security is not produced, be forwarded within twenty-four hours and without unnecessary delay, to

Person or property to be produced before Collector.

تالون آبکاری۔ نشان دہا، لاٹالون

جاتے ہوں رات یا دن میں کسی وقت داخل ہو۔

(ب)۔ جہاں اشیاء متذکرہ بالا فروخت کے لئے رکھے جاتے ہوں کسی ایسے وقت داخل ہو جو اس کے کھلے رہنے کا معمولی وقت ہو۔

مجموعہ کا نام دریافت کرنے کی غرض سے گرفتاری۔ دفعہ ۲۱۔ اگر کسی شخص کو کسی جرم متذکرہ

قانون ہذا کا مرتکب یا درکار نے کی معقول وجہ ہو اور کسی عہدہ دار آبکاری یا کو تواری کے استفسار پر وہ اپنا نام اور سکونت بتانے سے انکار کرے یا غلط نام اور سکونت بتائے تو وہ گرفتار کیا جاسکے گا تا کہ اس کا صحیح نام اور سکونت دریافت کی جائے اگر ۲۴ گھنٹہ میں اس شخص کا نام اور سکونت نہ معلوم ہو سکے تو وہ عدالت میں پیش کر دیا جائے گا۔

شخص یا مال کا [COLLECTOR] کے دفعہ ۲۲۔ جو شخص رو رو پیش ہونا۔ یا مال از روئے

* Substituted by Act No. XXIII of 1953.

Abkari [1316 F : HYD. ACT I
(Translation)

the *[Collector] or to the nearest competent officer together with the articles seized and statement of the search and arrest.

† [22-A. If in exercise of powers contained in sections 18 and 19, any officer arrests any person and also when any arrested person appears or is made to appear under section 22 before a *[Collector] or other competent officer such officer shall release him if the person furnishes bond with or without security as specified in section 22-B for appearance before a competent officer or a Magistrate, as the case may be.

* Substituted by Act No. XXIII of 1953.

† Amended by Act No. I of 1343 Fasli.

قانون آبکاری نشان (۱) ۱۳۱۶

قانون نہ اگر قمار ہو وہ ضمانت نہ داخل ہونے کی صورت میں مع اشیاء گرفتار شدہ و کیفیت تلاش و گرفتاری ۲۲ گھنٹہ کے اندر بلا تاخیر غیر ضروری [COLLECTOR] یا کسی عہدہ دار مجاز کے پاس جو قریب تر ہو بھیج دیا جائے گا۔

محکمہ داخل ہونے پر رہائی۔ دفعہ ۲۲۔ (الف)

اختیارات مندرجہ فہات ۱۸ و ۱۹ کے استعمال میں جب کوئی عہدہ دار شخص کو گرفتار کرنے میں حیرت مت فہ ۲۲ کو گرفتار شدہ شخص کی [COLLECTOR] یا دیگر عہدہ دار مجاز کے رو برو حاضر ہو یا حاضر کرایا جائے تو عہدہ دار مذکور کو لازم ہو گا کہ اس کو رہا کر دے اگر وہ کسی حاکم مجاز یا ناظم عدالت فوجداری کے رو برو (جیسی کہ صورت ہو) حاضر ہونے کی نسبت حسب صراحت دفعہ ۲۲ (ب) محکمہ مع یا بلا ضمانت داخل کرے۔

*Substituted by Act No. XXIII of 1953.

ابھتریم بموجب قانون نشان (۱) ۱۳۱۶

*22-B. In order to obtain release under section 22-A the arrested person shall according to the direction of the officer competent for so releasing, furnish a bond of the amount he may determine not exceeding a reasonable limit, with one or more securities to the effect that he shall according to the terms contained in the bond appear before an officer or a Magistrate, as the case may be, and shall after appearance, unless otherwise ordered, continue to appear as directed.

But the officer admitting the bond may, in his discretion, waive the condition of the production of one or more securities in any case and the Government may prescribe the form in which and the place at which such form of bond shall, in view of the local conditions, be caused to be furnished.

قانون آبکاری - نشان (۱) سلسلہ
دفعہ ۲۲ (ب) گرفتار شدہ شخص کو رہائی کے لئے
محکمہ سے ضمانت داخل کرنا ہوگا۔
گرفتار شدہ شخص کو حسب

دفعہ ۲۲ (الف) رہائی حاصل کرنے کے لئے بموجب
ہدایات اس عہدہ دار کے جو اس طرح رہائی کا مجاز ہو
ایک محکمہ اس قدر رقم کا جو وہ مقرر کرے اور جو مناسبت
مقدار سے زائد نہ ہوگی مع ایک یا ایک سے زائد
ضمانتوں کے اس مضمون کا داخل کرنا ہوگا کہ وہ ہدایتی
شرائط مندرجہ محکمہ عہدہ دار یا ناظم عدالت فوجداری
کے رو برو (جیسی کہ صورت ہو) حاضر ہو جائے گا اور
حاضر ہو جانے کے بعد تا وقتیکہ کوئی اور حکم نہ دیا جائے
حسب ہدایات برابر حاضر رہے گا۔

مگر یہ امر عہدہ دار قبول کنندہ محکمہ کا اختیار
ہوگا کہ کسی صورت میں ایک یا ایک سے زائد ضمانتوں کے
ادخال کی شرط کو حسب صوابدید خود متعلق نہ کرے اور
سرکار عالی کو اختیار ہوگا کہ اس امر کا تعین کرے
کہ باعتبار حالات مقامی کس مقام پر کس نمونہ کا
محکمہ داخل کرایا جائے گا۔

*22-C. When the person released on bond fails to appear before a competent officer in accordance with the bond and the said officer is of opinion that action should be taken to recover the penalty according to the terms contained in the bond and security from such person or his surety, he shall forward the bond and security produced to the Magistrate having power to hear the charge alleged against the accused and on receipt of such bond and security the Magistrate shall, for the recovery of the prescribed penalty, take all the measures he can take in case of having admitted the bond and security from the accused for appearance in his own court according to the provisions of the Code of Criminal Procedure.]

* Amended by Act No. 1 of 1343 F.

عدم حاضری کی صورت میں دفعہ ۲۲۔ (ج) جب کہ وصول تاوان کی کاروائی۔
مچلکہ پر رہا شدہ شخص عہدہ دار
مجاز کے رو برو حسب مچلکہ حاضر ہونے سے قاصر رہے
اور عہدہ دار مذکور کی یہ رائے ہو کہ شخص مذکور یا
اُس کے ضمان سے حسب شرائط مندرجہ دستاویز
مچلکہ و ضمانت تاوان وصول کرنے کی کارروائی کی جائے
تو وہ مدخلہ دستاویز مچلکہ و ضمانت اُس ناظم عدالت
فوجداری کے پاس روانہ کرے گا جس کو الزام
منسوبہ ملزم کی سماعت کا اختیار حاصل ہو اور ایسی
دستاویز مچلکہ و ضمانت وصول ہونے پر ناظم مذکور
تاوان مقررہ وصول کرنے کیلئے وہ جملہ تدابیر اختیار
کرے گا جو وہ بروئے احکام مجموعہ ضابطہ فوجداری
ملزم سے خود اپنی عدالت میں حاضری کی نسبت
مچلکہ و ضمانت لینے کی صورت میں کر سکتا ہے۔

(Translation)

قانون آبکاری نشان دہا، ضابطہ

*[23. The searches made and bails

admitted under this Act
 Search, how made and bail, how admitted. shall be in accordance with the Code of Criminal Procedure 1898, and subject to the rules made by Government under clause (1) of subsection (2) of section 3 of this Act.]

24. Every official of the Police, Revenue and Customs Departments and every village official shall, at the request of any Abkari officer render him reasonable assistance for the operation of this Act, unless prevented by some reasonable excuse.

Assistance to be rendered to Abkari officer.

عہدہ دار آبکاری کی امداد۔ دفعہ ۲۴۔ ہر ملازم سررشتہ کو تو الی۔ مالگزار سی اور کرڈر گیری اور ہر ملازم دیہی کو لازم ہو گا کہ کسی عہدہ دار آبکاری کی درخواست پر اس قانون کی تعمیل کے لئے اس کی بطور مناسب امداد کرے۔ بجز اس کے کہ کوئی وجہ معقول مانے ہو۔

* Substituted by Act No. XXIII of 1953.

*[24-A. Every officer employed

under the Government

Offences to
be reported
by State Em-
ployees.

other than an Abkari Offi-

cer, shall be bound to give

immediate information to

an Abkari Officer and every

Abkari Officer shall be

bound to give immediate information to

his immediate official superior of all br-

eaches of any of the provisions of this Act

which may come to his knowledge and

all such officers shall be bound to take

all reasonable measures in their power to

prevent the commission of any such br-

each which they may know or have

reason to believe is about or likely to be

committed.]

* Substituted by Act No. XXIII of 1953.

‡[26. The Collector or any other
Excise Officer, not below
Power to hold preliminary enquiry. the rank of an Inspector,
shall on any person being
brought in custody or
appearing before him on bail and on
such person being accused of the breach
of any provision of this Act, hold
such enquiry as he may think necessary and shall either release such person or forward him in custody to or admit him to bail to appear before the Criminal Court having jurisdiction to try the case :

Provided that if such inquiry is not commenced and completed on the day on which such person is arrested by or is brought or appears before such Abkari Officer, the said officer shall,

‡Substituted by Act No. XXIII of 1953.

if sufficient bail be tendered for the appearance of the person arrested, admit the said person to bail to appear on any subsequent day before himself or any other Abkari officer having jurisdiction to enquire into the case.]

* [27. (1) The Collector or any other

Power to
issue sum-
mons.

Excise Officer, not below

the rank of an Inspector

holding an enquiry under

this Act may summon

any person to appear before himself

to give evidence in such enquiry or to

produce any document relevant thereto,

which may be in his possession or

under his control.

* Substituted by Act No. XXIII of 1953

(Translation)

25. (1) Every landholder on receipt of information of the fact that a person unlawfully manufactures liquor or any intoxicating drug on any land occupied by him shall give notice of the same to the * [Collector] or to the nearest competent officer without unnecessary delay.

Matters to be reported by landholder.

قانون آبکاری - نشان (۱) برائے سلاٹ
اور جن کی اطلاع دینا
قائم اراضی پر لازم ہے۔
وہ اس امر کی اطلاع پائے کہ اُس کی کسی مقبوضہ
ارضی پر کوئی شخص ناجائز طور پر شراب یا
کوئی منشی شے تیار کرتا ہے تو [COLLECTOR]*
یا کسی عہدہ دار عہدار کو جو قریب تر ہو بلاتا تاخیر
غیر ضروری اُس کی اطلاع دے۔

* Substituted by Act No. XXIII of 1953.

* Substituted by Act No. XXIII of 1953.

*[(2) In case of illegal tapping of sendhi trees situated on land occupied by a patadar, tenant or any other person, the provisions contained in section 37-A of the Hyderabad Land Revenue Act (No. VIII of 1317 F.) shall, so far as may be, having regard to the provisions of section 13-A apply.]

*Substituted by Act No. XXIII of 1953.

(Translation)

(2) The provisions of the Code of Criminal Procedure, 1898, shall so far as may be applied to such enquiry.]

*[28. With regard to the custody of prisoners under trial and the production in court of witnesses for prosecution the provisions of the Code of Criminal Procedure, 1898, in respect thereof shall be complied with.]

* Substituted by Act No. XXIII of 1953.

(Translation)

*[28-A. When an Abkari Officer

Report of
Abkari Offi-
cer gives
jurisdiction
to Criminal
Court.

not below the rank of an

Inspector forwards in

custody any person accu-

sed of an offence under

this Act to the Criminal

Court, having jurisdiction

to try the case, or admits any such person

to bail to appear before such Criminal

Court, such officer shall forward to the

Criminal Court within the period and

in the form prescribed by Government

*Substituted by Act No. XXIII of 1953.

in this behalf, a report setting forth the particulars of the name and residence of persons acquainted with circumstances of the case and such other particulars as Government may prescribe and shall also send to such Criminal Court any article which it may be necessary to produce before it. Upon receipt of such report the Criminal Court shall enquire into such offence and try the person accused thereof in like manner as if complaint had been made before it as prescribed in the Code of Criminal Procedure, 1898.

29. Where any property seized under this Act is placed in charge of a Station-house Officer, he shall, pending order of a Court or competent officer, preserve the same in his custody, and shall at the request of the officer depositing the same, allow it or any part thereof to be taken away.

قانون آبکاری - نشان (۱) ۱۳۱۶
۲۹ دفعہ - جیکے نئی
گرفتار شدہ مال کس سے سپرد کیا جائے گا۔
مال جو حسب قانون ہذا

گرفتار کیا جائے کسی عہدہ دار منظم ٹھکانہ کے سپرد
کیا جائے تو اس پر لازم ہوگا کہ تا صدم و حکم عدالت
یا عہدہ دار مجاز اس مال کو اپنی حفاظت میں رکھے
اور عہدہ دار داخل کنندہ کی درخواست پر اس
کو یا اس کا کوئی جزو دے جانے کی اجازت دے۔

†[30. It shall be lawful for the Court or Collector in the Cities of Hyderabad and Secunderabad for the Commissioner of Police to direct with a view to prevent breach of the peace that any shop where liquor is sold shall be closed for a reasonable period.]

†Substituted by Act No. XXIII of 1953.

CHAPTER V.

INQUIRIES INTO OFFENCES AND
PUNISHMENT.

باب ۵

جرائم کی تحقیقات اور سزا۔

*[31. Whoever contravenes any of

the provisions of section 8,

section 9, section 10, sub-

section (1) of section 10-A,

section 11 or section 12 of

this Act shall, on conviction

before a Magistrate,

be punished for each such offence

with fine which may extend to one

thousand rupees and with imprisonment

for a term which may extend to

six months :

*Substituted by Act No. XXIII of 1953.

Provided that if a person convicted of any one or more of the said offences is convicted on a subsequent occasion for any of the same offences, he shall be liable to be punished for each such offence with imprisonment for a term which may extend to one year and with fine which may extend to two thousand rupees.]

32. *[(1) Whoever, being the holder of a licence for the sale or manufacture of liquor or sendhi under this Act—

(a) mixes or permits to be mixed with liquor or sendhi sold or manufactured by him or any other person on his behalf—

(i) any noxious drug prohibited under clause (a) of sub-section (2) of section 3; or

(ii) any other ingredient likely to add to its actual or intoxicating quality or strength; or

*Substituted by Act No. XXIII of 1953.

*(b) with bad intent sells, keeps or exposes for sale, any State liquor as any Country liquor or foreign liquor or liquor of superior kind or strength, shall, on conviction before a Magistrate, be punished for the contravention of sub-clause (i) of clause (a) with fine which may extend to five hundred rupees and with imprisonment for a term which may extend to three months and, for the contravention of sub-clause (ii) of clause (a) or clause (b), with fine which may extend to five hundred rupees or with imprisonment for a term which may extend to three months or with both.

*Substituted by Act No. XXIII of 1953.

*1-A. Nothing in sub-section (1)
shall apply to an offence punishable
under sub-section (1) of section 33.]

(2) Where a complaint has been
lodged against any person for cheating
under the circumstances mentioned in
sub-section (1), the decision thereof
shall be awaited; and if the accused is
convicted or acquitted on that charge,
no further proceedings under this sec-
tion shall be taken against him.

(۲) - اگر کسی شخص پر دعوای متذکرہ
ضمن (۱) کی بنا پر دغا کا استغاثہ کیا گیا ہو تو اس کے
تصفیہ تک انتظار کیا جائے گا اور اگر اس الزام
میں ملزم سزا یا ب یا بری ہو جائے تو پھر اس کے
مقابلہ میں حسب دفعہ ہذا کوئی کارروائی نہ کیجائیگی۔

*Substituted by Atc No. XXIII of 1953.

Abkari [1316 F: HYD. ACT I

(Translation)

Responsibility of licensee and punishment therefor.

33. * [(1) A licensee who—

(i) does not, without sufficient cause, produce his licence when demanded by any Abkari or other competent officer; or

(ii) acts in contravention of the conditions of the licence; or

(iii) wilfully contravenes any rule made under section 3;

shall be punishable with fine upto two hundred rupees or with imprisonment for three months, or with both.]

†[(2) Whenever any person, being a licence holder or his servant acting on

*Amended by Act No. IV of 1334 F.

†Amended by Act No. I of 1343 F.

قانون آبکاری - نشان (۱) ۱۳۱۶

شخص اجازت یافتہ کی ذمہ داری اور اس کی سزا

شخص اجازت یافتہ -

(۱) کسی انسرایبکاری یا دیگر عہدہ دار مجاز کی طلبی پر اپنا اجازت نامہ بلا وجہ معقول پیش نہ کرے - یا

(۲) اجازت نامہ کے شرائط کے خلاف عمل کرے - یا

(۳) - بالا را وہ کسی ایسے قاعدہ کے خلاف عمل کرے جو حسب دفعہ ۳ نافذ کیا گیا ہو۔

اس کو دس سو روپیہ تک جرمانہ یا تین مہینے تک قید یا دونوں سزائیں دی جائیں گی۔

(۴) - جب کوئی شخص جو اجازت یافتہ ہو یا اس کا ملازم ہو اور اس کی جانب سے عمل کر رہا ہو

۱۔ ترمیم بموجب قانون نشان (۴) ۱۳۳۴

۲۔ " " " " قانون نشان (۱) ۱۳۴۳

his behalf, keeps open any toddy, sendhi or liquor shop within the limits of the city of Hyderabad beyond the prescribed hours in contravention of the conditions of clause (ii) of sub-section (1), any Police officer, not below the rank of a Head Constable, and any officer, not below the rank of a Sub-Inspector, may hold a panchnama on the spot and obtain from him a bond with or without sureties for appearance before the *[Collector] or some other competent Abkari officer. On the appearance of the accused the *[Collector] or the said officer shall make such enquiries as he may deem fit, and thereafter release the accused or obtain from him a bond with or without sureties for appearance before a Magistrate having the power to try the case. Provisions of sections 22-B and 22-C, in so far as they are applicable, shall apply to proceedings regarding the bond and surety under this sub-section.]

* Substituted by Act No. XXIII of 1953.

ضمن (۱) فقرہ (۲) کی شرائط کے خلاف حدود
بلدہ میں تازی۔ سیندھی یا شراب کی کوئی دکان
اوقات مقررہ کے سوائے کھلی رکھے تو ہر عہدہ دار
کو تواری کو جس کا درجہ جمعدار سے اوپر عہدہ دار
آبکاری کو جس کا درجہ سب انسپکٹر سے کم نہ
ہو اختیار ہو گا کہ موقع پر پینچنامہ کر کے اس سے
[COLLECTOR] یا کسی دوسرے عہدہ دار
آبکاری مجاز کے اجلاس پر حاضری کے لئے جھکے مع یا
بلا ضمانت لے [COLLECTOR] یا عہدہ دار مذکور
لزم کی حاضری پر ایسی تحقیقات کرے گا جو وہ مناسب
خیال کرے اور اس کے بعد لزم کو رہا کر دے گا یا ایسے
ناظم عدالت فوجداری کے رو برو حاضر ہونے کیلئے
اس سے جھکے مع یا بلا ضمانت لیگا جسکو مقدمہ کی سماعت
کا اختیار حاصل ہو۔ احکام دفعات ۲۲ (ب) و ۲۲ (ج) جہاں تک
متعلق ہو سکیں ضمن ہذا کے تحت جھکے و ضمانت کی کاروائیوں
سے متعلق ہونگے۔]

* Substituted by Act No. XXIII of 1953.

*[34. Whoever purchases or keeps

in his possession any liquor

Punishment
for posses-
sion of illicit
liquor.

which he knows to be ille-

gally imported or trans-

ported or illicitly distilled

shall be punished with imprisonment

for a term which may extend to six

months and shall also be liable to a

fine to the extent of one thousand

rupees.]

*Substituted by Act No. XIV of 1955.

*[34-A. (1) Whoever renders or attempts to render fit for human consumption any spirit which has been denatured or has in his possession any spirit in respect of which he knows or has reason to believe that any such attempt has been made, shall on conviction, before a Criminal Court be punished with imprisonment for a term which may extend to three months or with fine which may extend to Rs. 1,000 or with both.

Punishment
for rendering
or attempt-
ing to render
denatured
spirit fit for
human
consump-
tion.

*Substituted by Act No. XXIII of 1953.

(2) For the purposes of this section it shall be presumed, unless and until the contrary is proved, that any spirit which is proved on chemical analysis to contain any quantity of the prescribed denaturants, is or contains or has been derived from denatured spirit.]

*[35. Any officer or other employee

Punishment of officers acting in contraven- tion of this Act.	of Government, who exercising powers under this Act—
--	--

(a) unlawfully releases or allows to escape after arrest any person accused of having contravened any of the provisions of this Act; or

*Substituted by Act No. XXIII of 1953.

*(b) unlawfully releases any article seized or confiscated under the provisions of this Act; or

(c) intentionally acts in the discharge of his duties in such a manner as to cause any breach of the provisions of this Act; or

(d) intentionally omits to do any act which he is bound to do by virtue of his office so as to adversely affect the Abkari revenues; or

*Substituted by Act No. XXIII of 1953.

* (e) without reasonable ground of suspicion enters or searches or causes to be searched any closed place; or

(f) vexatiously and unnecessarily detains, searches or arrests any person; or

(g) vexatiously and unnecessarily seizes property of any person on the pretence of lawfully seizing it under this Act; or

*Substituted by Act No. XXIII of 1953.

(h) in any other way vexatiously
exceeds his lawful powers;

shall, on conviction before a Criminal
Court, be punished for any such offence
with fine not exceeding Rs. 500 or with
imprisonment for a term not exceeding
6 months or with both.]

*[36. (1) Any person who unlaw-

fully releases (and is not

liable under section 35) or

Punishment
for abetment
of offences
against the
Act.

attempts to release, any

article seized or confis-

cated under this Act or

*Substituted by Act No. XXIII of 1953.

abets the escape of any person arrested under this Act or abets the commission of any offence against this Act, shall on conviction before a Criminal Court be punished with fine to the extent of half of the maximum amount prescribed for the offence so abetted or with imprisonment for a term extending to half of the term prescribed for the offence so abetted or with both.

* (2) Whoever, intentionally prevents or tries to prevent any officer from the discharge of his lawful duties shall, on conviction before a Criminal Court, be punished with fine which may extend to Rs. 500 or with imprisonment which may extend to 6 months, or with both.]

37.
Penalty for
Abkari
officer
leaving his
duty with-
out notice.

*[Omitted.]

عہدہ دار آبکاری کی سزا جو ملائے
اپنے کام سے غائب ہو جائے۔
وقفہ ۳۷۔

‡[Omitted]

*Omitted by Act No. XXIII of 1953.

*Substituted by Act No. XXIII of 1953.

‡Omitted by Act No. XXIII of 1953.

*[37-A. Whoever is guilty of an act
or intentional omission
in contravention of any
of the provisions of this
Act, or of any rule or
order made thereunder
and not otherwise provid-
ed for in this Act, shall be punished
for each such act or omission with
fine which may extend to Rs. 500.]

*Substituted by Act No. XXIII of 1953.

*[38. (1) In prosecutions under sections 31, 34 and 34-A, it shall be presumed until the contrary is proved that the accused person has committed an offence punishable under that section in respect of—

- (a) any liquor, or sendhi, or
- (b) the timber of any felled tree of any kinds specified in clause (17) of section 2, or

*Substituted by Act No. XXIII of 1953.

*(c) any still, utensil, implements or apparatus, whatsoever for the manufacture of any liquor or for the rendering of denatured spirit fit for human consumption, or

*(d) any materials which have undergone any process towards the manufacture of any liquor or from which any liquor has been manufactured, or

*(e) any denatured spirit which has undergone any process towards rendering it unfit for human consumption or which has been rendered fit for human consumption,

*Substituted by Act No. XXIII of 1953.

for the possession of which, he is
unable to account satisfactorily.

* (2) The holder of licence or permit
under this Act shall be punishable, as
well as the actual offender, for any
offence punishable under this Act or
rules thereunder committed by any
person in his employ and acting on his
behalf as if he has himself committed
the same, unless he shall establish that
all due and reasonable precautions
were exercised by him to prevent the
commission of such offence.]

*Substituted by Act No. XXIII of 1953.

*[39. (1) Where an offence punishable under this Act is proved to have been committed, the liquor, ‡[sendhi,] mohwa flowers, still, utensils, implements or apparatus in respect or by means of which an offence has been committed shall be liable to confiscation by order of the Court.

*Substituted by Act No. XXV of 1952.

‡Substituted by Act No. XXIII of 1953.

* (2) Any receptacle, package or covering in which any of the articles liable to confiscation under sub-section (1) is found and the other contents, if any, of such receptacle, package or covering and the animals, carts, vessels, lorries or other conveyances used in carrying any such article shall likewise be liable to confiscation by order of the Court :

Provided that no such animal, cart, vessel, lorry or other conveyance shall be confiscated if the owner thereof satisfies the court that he has exercised due care in preventing the commission of the offence.

*Substituted by Act No. XXV of 1952.

* (3) If any article mentioned in sub-section (1) or sub-section (2) is found but the commission of any offence in connection therewith has not been proved, the Collector may pass proper orders in respect thereof:

Provided that no order has been passed by a Court in respect of such article, or no case for trial of an offence in respect thereof has been instituted in any Court.]

‡[40. The trial of offences under this Act shall be conducted in a Criminal Court in accordance with the provisions of the Code of Criminal Procedure, 1898.]

*Substituted by Act No. XXV of 1952.

‡Substituted by Act No. XXIII of 1953.

41. (1) No action for damages shall be entertained by a Civil Court against *[Government] or against any Abkari officer for any act done or ordered to be done in good faith and in accordance with this Act.

(2) All actions against any Abkari officer and all actions which may be lawfully brought against *[Government] or against any Abkari officer on account of any act or thing alleged to have been done in accordance with this Act, shall not be entertained after six months from the date of doing the act or the thing.

(3) If, in a suit for compensation for damages it is proved that adequate compensation was being tendered before the institution of the suit, it shall be lawful for the court in its judgment to disallow costs to the plaintiff and lay on him the costs of the defendant.

* Amended by Act No. I of 1343 F.

نانش کی ممانعت۔ اور فعل (۱) کسی ایسے فعل کی بابت جو مطابق قانون ہذا نیک نیتی سے کیا گیا ہو یا اس کے کئے جانے کا حکم دیا گیا ہو کوئی نانش سہرہ کی عدالت دیوانی میں بمقابلہ [سرکار عالی] یا کسی عہدہ دار آبکاری کے قابل سماعت نہ ہوگی۔

(۲)۔ تمام نانات جو کسی عہدہ دار آبکاری سے متعلق ہوں اور تمام نانات جو کسی فعل یا امر کے باعث جس کا قانون ہذا کے مطابق وقوع میں آنا بیان کیا جائے [سرکار عالی] یا کسی عہدہ دار آبکاری کے مقابلہ میں جوازاً ہو سکتی ہوں تا تاریخ وقوع فعل یا امر مذکور سے چھ مہینے کے بعد قابل سماعت نہ ہوں گی۔

(۳)۔ کسی معاوضہ نقصان کی نانش میں جب یہ ثابت ہو کہ قبل از جاع نانش کافی معاوضہ دیا جاتا تھا تو عدالت کو جائز ہو گا کہ فیصلہ کی رو سے مدعی کو خرچہ نہ دلائے۔ اور مدعی علیہ کا خرچہ اس کے ذمہ ماند کرے۔

*[41-A. Any Abkari officer specially empowered by Government in this behalf may accept from any person whose licence, permit or pass is liable to be cancelled, or suspended under clauses (1) or (2) of section 16, or who is reasonably suspected of having committed an offence under sections 31, 32, 32-A, 33, 34 or 34-A a sum of money in lieu of such cancellation or suspension, or by way of composition for the offence which may

Power to
compound
offences.

*Substituted by Act No. XXIII of 1953.

have been committed; and in all cases whatsoever in which any property other than toddy, sendi or liquor has been seized under this Act, may release the same on payment of the value thereof as estimated by such officer:

Provided that where a person who is reasonably suspected of having committed an offence under section 31 or 34 is not the holder of a licence, permit or pass granted under this Act, or a person in the employ of such holder, or a person acting with his express or implied permission on his behalf, the

sum of money which may be accepted from such person by way of composition shall not exceed one thousand rupees. On the payment of such sum of money or such value, or both, as the case may be, to such officer, such person, if in custody, shall be set at liberty and the property seized shall be released, and if any criminal proceedings have been instituted against such person, the composition shall be held to amount to an acquittal, and in no case shall any further proceedings be taken against such person or property with reference to the same facts.]

CHAPTER VI.

MISCELLANEOUS.

42. The person who manufactures or sells liquor having obtained a licence under this Act, shall keep, at the place of manufacture or sale, such measure for selling the liquor and such instrument for testing the strength of the same as are prescribed by *[Govern-ment].

*Amended by Act No. I of 1343 F.

باب ۶
متفرق

اجازت یافتہ کے فرائض - دفعہ ۴۲۔ جو شخص
حسب قانون ہذا اجازت نامہ حاصل کر کے
شراب تیار یا فروخت کرے اُس پر لازم ہوگا کہ
شراب کی فروخت کے لئے ایسا پیمانہ اور اس کی
طاقت کی آزمائش کے لئے ایسا آلہ ہو [سنگا علی]
نے مقرر کیا ہو مقام تیاری یا فروخت پر موجود رکھے

ہے۔ ترمیم بموجب قانون نشان (۱) ۱۳۴۳

*[43. The lessee may within one
year cause all amounts
due to him to be realised
through the Collector in
the manner and subject to
such conditions as may be
prescribed in this behalf,
as if they were arrears of land revenue,
from every such person who may have
occupied the business relating to the
lease to the extent of the period of his
occupation :

*Substituted by Act No. XXIII of 1953.

Provided that—

(a) the lessee has paid all amounts due from him to Government; and

(b) such person has occupied the business on the basis of a written agreement between him and the lessee and such agreement is produced and proved to have been attested in the prescribed manner before the Collector or such other officer as may be authorised by Government in this behalf.]

44. Where a lease granted by ‡[Government] on receiving of Nazrana and duly certified, contains any condition the intention of which is contrary to any provision of this Act, such provision of this Act shall not affect it.

تانون آبکاری - نشان (د) ۱۳۱۶
جس قول میں نشاء قانون ہذا دفعہ ۴۴ - اگر کسی
کے خلاف کوئی شرط درج ہو ایسے قول میں جو باخذ
اس پر قانون ہذا کے حکم کا اثر نہ نذرانہ [سرکار عالی] نے
عطا کیا ہو اور جس کی حسب ضابطہ تصدیق ہوئی
ہو کوئی ایسی شرط درج ہو جس کا منشا اس قانون
کے کسی حکم کے خلاف ہو تو قانون ہذا کا وہ حکم
اس کے خلاف موثر نہ ہوگا۔

45. *[Omitted.]

مرافعہ دنگوانی - دفعہ ۴۵

‡Amended by Act No. I of 1343 Fasli.
*[Omitted by Act No. XXIII of 1953.]

ہ۔ ترمیم بموجب قانون نشان (د) ۱۳۴۳